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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,914	10/19/2001	Todd Allen Link	15892-US	8531

7590 07/18/2007  
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EXAMINER
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LOPEZ, FRANK D

ART UNIT	PAPER NUMBER
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3745

MAIL DATE	DELIVERY MODE
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07/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/982,914

Applicant(s)

LINK ET AL.

Examiner

F. Daniel Lopez

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 11 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 8,9,12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 8,9,12 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

Applicant's arguments filed May 11, 2007, have been fully considered but they are not deemed to be persuasive.

Applicant's arguments with respect to claims 8, 9, 12 and 13 have been considered but are deemed to be moot in view of the new grounds of rejection. The new grounds of rejection are necessitated by the added limitation concerning the connection to the inlet line of the first motor.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant continues to discuss what each reference does not disclose individually. Since the rejection is a combination of references, the only valid arguments must specifically state why a teaching from one of the references can not be applied to another of the references.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

Claims 8, 9, 12 and 13 are rejected under 35 U.S.C. § 103 as being unpatentable over Applicant's admitted prior art in view of Cooper and Truax et al. Applicant's admitted prior art (fig 4) discloses a hydraulic system for a lawn mower having a first center deck and second and third side decks, each associated with a respective first (64), second (66) and third (68) motor, driving a respective mower blade, connected in series, comprising first (82) and second solenoid operated directional control valves, connected in parallel to an inlet line from the first motor, providing first and second pilot signals, respectively, to first (74, 80) and second (including 76) pilot operated directional control valves, which are connected in series to the inlet line, and allow flow to the respective second and third motors in the presence of a respective pilot pressure and preventing flow in the absence of the pilot signal; but does not disclose that the flow

through the second or third motor is not directed through any other restrictive valve; or that the respective pilot signal is provided when the respective side deck is moved to an operating lowered position, thereby allowing flow to the motor and that the respective pilot signal is ended when the respective side deck is moved to a non-operating raised position, thereby preventing flow to the motor.

Cooper teaches, for a hydraulic system including first (22, 24), second (52) and third (55, 56) motors; wherein a pair of directional control valves (66, 68) allows flow to the respective motor in the presence of an actuating signal (moved away from center position) and prevents flow in the absence of the signal (in center position); that the flow through the second or third motor is not directed through any other restrictive valve.

Since the directional control valves of Applicant's admitted prior art and Cooper are interchangeable to allow serial connection of motors, or to bypass a motor; It would have been obvious at the time the invention was made to one having ordinary skill in the art to replace the valve system of Applicant's admitted prior art with the valving system like Cooper's, wherein the flow through the second or third motor is not directed through any other restrictive valve, as taught by Cooper, as a matter of engineering expediency.

Truax et al teaches, for a hydraulic system for a lawn mower having a side deck (9) associated with a motor (16) driving a mower blade; wherein a directional control valve (102) allows flow to the motor in the presence of a signal (via 103) and prevents flow in the absence of the signal; that the signal is provided and flow to the motor is allowed, when the side deck is moved to an operating lowered position; and that the signal is ended and the flow to the motor is prevented when the side deck is moved to a non-operating raised position, for the purpose of having a safety feature, preventing operation of the motor when the deck is above a certain position (e.g. column 4 line 64 – column 5 line 3).

Since Applicant's admitted prior art and Truax et al are both from the same field of endeavor, the purpose disclosed by Truax et al would have been recognized in the pertinent art of Applicant's admitted prior art. It would have been obvious at the time the invention was made to one having ordinary skill in the art to provide the respective pilot signals, thereby allowing flow to the respective motor of Applicant's admitted prior art,

when the respective side deck is moved to an operating lowered position; and end the respective pilot signal thereby preventing flow to the respective motor, when the respective side deck is moved to a non-operating raised position, as taught by Truax et al, for the purpose of having a safety feature, preventing operation of the motor when the deck is above a certain position

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is 571-272-4821. The examiner can normally be reached on Monday-Thursday from 6:00 AM –4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on 571-272-4820. The official fax number is 571-273-8300. Any inquiry of a general nature should be directed to the Help Desk, whose telephone number is 1-800-PTO-9199.

/F. Daniel Lopez/

F. Daniel Lopez  
Primary Examiner  
Art Unit 3745  
July 10, 2007